

CONFERENCE COMMITTEE REPORT DIGEST FOR HB 1653

Citations Affected: IC 32-7; IC 33-4; IC 33-5; IC 33-10.5; IC 33-11.6.

Synopsis: Residential landlord and tenant law. Requires a landlord to give a tenant at least 30 days written notice before modifying a rental agreement unless a written rental agreement provides otherwise. States circumstances under which a landlord may enter a tenant's dwelling unit. Provides that a landlord may not deny a tenant access to the tenant's personal property, except under an existing statute. Provides that a landlord may not interfere with a tenant's access to or possession of the tenant's dwelling unit, except under a judicial order. Provides that a tenant may not interrupt, reduce, shut off, or cause termination of utility services to the tenant's dwelling unit if the action will result in serious damage to the rental unit. Establishes an emergency possessory action in small claims courts for a landlord or a tenant to obtain a hearing within three business days if the tenant is committing waste to the rental unit or if the landlord has violated the tenant's right of access to or possession of the dwelling unit. (This conference committee report provides that failure to pay rent is not considered "waste" for purposes of the emergency possessory hearing statute. The amendment also makes technical corrections and corrects conflicts between the bill and HEA 1440.)

Effective: July 1, 1999.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill No. 1653 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

- 1 Delete the technical correction made under Senate Rule 33(c)
- 2 adopted April 12, 1999.
- 3 Page 3, line 21, delete "section" and insert "**chapter**".
- 4 Page 3, line 22, delete "an action" and insert "**a petition**".
- 5 Page 3, line 27, delete "claim" and insert "**petition**".
- 6 Page 3, line 36, delete "claimant" and insert "**petitioner**".
- 7 Page 4, line 16, before "At" insert "**For purposes of this section,**
- 8 **"waste" does not include failure to pay rent.**
- 9 **(b)"**.
- 10 Page 4, line 21, delete "(b)" and insert "(c)".
- 11 Page 4, line 22, delete "(b)" and insert "(c)".
- 12 Page 4, line 26, delete "(c)" and insert "**(d)**".
- 13 Page 5, line 26, before "IS" insert ", AS AMENDED BY HEA
- 14 1440-1999,".
- 15 Page 5, line 27, delete "The" and insert "(a) Except as provided in
- 16 subsection (b), the".
- 17 Page 5, between lines 39 and 40, begin a new paragraph and
- 18 insert:
- 19 "(b) This subsection applies to a county having a population of
- 20 more than three hundred thousand (300,000) but less than four hundred
- 21 thousand (400,000). The small claims docket has jurisdiction over the
- 22 following:
- 23 (1) Civil actions in which the amount sought or value of the
- 24 property sought to be recovered is not more than six thousand
- 25 dollars (\$6,000). The plaintiff in a statement of claim or the
- 26 defendant in a counterclaim may waive the excess of any claim

1 that exceeds six thousand dollars (\$6,000) in order to bring it
2 within the jurisdiction of the small claims docket.
3 (2) Possessory actions between landlord and tenant in which the
4 rent due at the time the action is filed does not exceed six
5 thousand dollars (\$6,000).
6 **(3) Emergency possessory actions between a landlord and**
7 **tenant under IC 32-7-9."**

(Reference is to EHB 1653 as reprinted April 9, 1999, and as corrected under Senate Rule 33(c) adopted April 12, 1999.)

Conference Committee Report
on
House Bill 1653

Signed by:

Senator Bray

Representative Hasler

Senator Lanane

Representative Scholer

Senate Conferees

House Conferees